

**MORGAN STANLEY, DW, INC.,** )  
)  
**Plaintiff,** )  
)  
**Vs.** ) **ORDER**  
)  
**CYNTHIA M. DAILEY; STERLING** )  
**M. MYERS; BETTY MARTIN;** )  
**BURT SMITH; and CAROL SMITH** )  
)  
**Defendants.** )  
)

- (1) Morgan Stanley DW, Inc.'s Motion for Authority to liquidate securities, deposit accounts' proceeds and cash with court, retain commission and fees, and dismiss Plaintiff and award attorneys' fees (#20); and
- (2) Morgan Stanley DW, Inc.'s Motion to Dismiss Defendants Betty Martin, Burt Smith and Carol Smith's Counterclaims (#31).

## ORDER

**IT IS, THEREFORE, ORDERED** that a hearing is scheduled on all now pending motions for July 14, 2006, at 2 p.m. in Asheville. If all pending motions are amicably resolved and withdrawn before such date, or if this action is resolved and dismissed in its entirety in a manner that complies with Rule 41, Federal Rules of Civil Procedure, such hearing will be cancelled.

Signed: June 20, 2006

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

